

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RICHARD LAMAR DEAN,

Plaintiff,

vs

9:08-CV-797

DR. PHILLIPS, Facility Doctor, Doctor in  
Charge, Hale Creek Correctional Facility,

Defendant.  
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APPEARANCES:

OF COUNSEL:

RICHARD LAMAR DEAN  
Plaintiff, Pro se  
07-A-5733  
Wyoming Correctional Facility  
PO Box 501  
Attica, NY 14011

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Richard Lamar Dean, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated September 30, 2008, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the court issue an order sua sponte dismissing plaintiff's complaint, or that within thirty days of the date of the court's final order, plaintiff file an amended complaint that states a claim upon which relief might be granted. Objections to the Report-Recommendation have not been filed; however, the plaintiff has filed an amended complaint.

Based upon a careful review of the entire file and the amended complaint, the Report-Recommendation is accepted. The plaintiff will be allowed to move forward with regard to this action. See 28 U.S.C. 636(b)(1).

Accordingly, it is

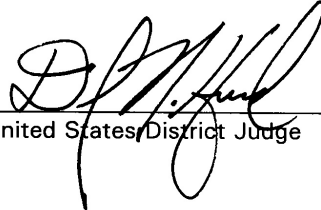
ORDERED that

1. Plaintiff's amended complaint will be allowed to move forward;
2. The Clerk's office is instructed to add the additional parties which are set forth in the amended complaint to the docket;
3. The Clerk shall issue summonses and forward them, along with copies of the amended complaint, to the United States Marshal for service upon the defendants. The Clerk shall forward a copy of the summons and amended complaint by mail to the Office of the New York State Attorney General, together with a copy of this Order;
4. The Clerk shall provide the Superintendent of the facility designated by plaintiff as his current location with a copy of plaintiff's authorization form, and notify the official that this action has been filed and that plaintiff is required to pay the entire statutory filing fee of \$350.00 pursuant to 28 U.S.C. § 1915; The Clerk shall provide a copy of plaintiff's authorization form to the Financial Deputy of the Clerk's Office;
5. A response to the complaint shall be filed by defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on defendants;
6. All pleadings, motions and other documents relating to this action must bear the case number assigned to this action and be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton

St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing the date that a true and correct copy of same was mailed to all opposing parties or their counsel. Any document received by the Court or the Clerk that does not include a proper certificate of service will be returned without processing.** Plaintiff must comply with requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in his address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court; and

7. The Clerk shall serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.

  
United States District Judge

Dated: November 24, 2008  
Utica, New York.